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 17 PLAINTIFF RADIO CITY, INC.

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 19  
 20 **UNITED STATES DISTRICT COURT**  
 21  
 22 **NORTHERN DISTRICT OF CALIFORNIA**

23  
 24 IN RE TELESCOPES ANTITRUST  
 25 LITIGATION

26 This Document Relates to:

27 SPECTRUM SCIENTIFICS LLC, RADIO  
 28 CITY, INC., and those similarly situated,

29 Plaintiffs,

30 v.

31 CELESTRON ACQUISITION, LLC, SUZHOU  
 32 SYNTA OPTICAL TECHNOLOGY CO., LTD.,  
 33 SYNTA CANADA INT'L ENTERPRISES  
 34 LTD., SW TECHNOLOGY CORP., OLIVON  
 35 MANUFACTURING CO. LTD., OLIVON USA,  
 36 LLC, NANTONG SCHMIDT OPTO-  
 37 ELECTRICAL TECHNOLOGY CO. LTD.,  
 38 NINGBO SUNNY ELECTRONIC CO., LTD.,  
 39 PACIFIC TELESCOPE CORP., COREY LEE,  
 40 DAVID SHEN, SYLVIA SHEN, JACK CHEN,  
 41 JEAN SHEN, JOSEPH LUPICA, DAVE  
 42 ANDERSON, LAURENCE HUEN, and DOES  
 43 1-50,

44 Defendants.

45 Case No. 5:20-cv-03639-EJD

46 Case No. 5:20-cv-03642-EJD

47 **DECLARATION OF MATTHEW  
 48 BORDEN IN SUPPORT OF DIRECT  
 49 PURCHASER PLAINTIFFS'  
 50 ADMINISTRATIVE MOTION TO  
 51 CONSIDER WHETHER ANOTHER  
 52 PARTY'S MATERIAL SHOULD BE  
 53 SEALED**

54  
 55 **Compl. Filed:** June 1, 2020  
 56 **Third Am.** August 31, 2021  
 57 **Compl. Filed:**  
 58 **Trial Date:** None Set

1 I, Matthew Borden, declare:

2 1. I am licensed to practice before this Court and am counsel of record for Direct  
 3 Purchaser Plaintiffs (“DPPs”). I make this declaration based on personal knowledge. If called as a  
 4 witness, I could and would testify competently to the facts stated herein.

5 2. I make this declaration in support of DPPs’ Administrative Motion to Consider  
 6 Whether Another Party’s Material Should Be Sealed, filed concurrently with DPPs’ Notice of  
 7 Errata Re DPPs’ Opposition to Defendants’ Motion to Compel Plaintiffs’ Compliance with  
 8 Defendants’ Requests for Production, Set Four, and Defendant Synta’s Interrogatories, Set One.

9 3. Portions of DPPs’ Corrected Opposition describe, characterize, quote, or otherwise  
 10 illustrate documents or portions of documents designated by Defendants as “Confidential” or  
 11 “Highly Confidential – Attorneys’ Eyes Only” in this matter under the Stipulated Protective Order.  
 12 (ECF No. 137.)

13 4. Attached as **Exhibit 1** is a true and correct copy of DPPs’ Corrected Opposition to  
 14 Defendants’ Motion to Compel Plaintiffs’ Compliance with Defendants’ Requests for Production,  
 15 Set Four, and Defendant Synta’s Interrogatories, Set One.

16 I swear under penalty of perjury under the laws of the United States that the foregoing is  
 17 true and correct.

18  
 19 Dated: March 30, 2023

By: /s/ Matthew Borden  
 20 Matthew Borden

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